

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civil No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	AFFIDAVIT OF EDMUND K.
vs.	)	SAFFERY
	)	
HAWAIIAN EXPRESS SERVICE, INC.,	)	
a California corporation; et al.	)	
	)	
Defendants.	)	
_____	)	

AFFIDAVIT OF EDMUND K. SAFFERY

STATE OF HAWAII	)	
	)	SS.
CITY AND COUNTY OF HONOLULU	)	

EDMUND K. SAFFERY, being first duly sworn on oath, deposes and says:

1. I am a partner in the law firm of Goodsill Anderson Quinn & Stifel, LLP ("Goodsill") and am one of the attorneys representing Defendant HAWAII TRANSFER COMPANY LIMITED ("HTC") in the above-entitled matter.
2. I am licensed to practice law before all state and federal courts in the State of Hawaii.
3. I make this Affidavit based upon personal knowledge, and am

competent to testify as to all matters stated herein.

4. Throughout the course of the above-entitled matter, HTC was represented by two different law firms. From the commencement of HTC's involvement in the lawsuit, I have represented HTC. In approximately January, 2004, the law firm of Fukunaga Matayoshi Hershey & Ching ("FMHC") became involved in the lawsuit on behalf of HTC. A Withdrawal and Substitution of Counsel was filed on February 19, 2004, substituting attorney Wesley H.H. Ching, a partner in FMHC, in place of myself as HTC's counsel of record in the lawsuit.

5. The attorneys at Goodsill who worked on the above-entitled matter were myself, Peter T. Kashiwa, and Scott G. Morita. The legal assistant at Goodsill who work on the above-entitled matter was Larry Lynch.

6. I graduated from Harvard Law School and have been licensed to practice law before both state and federal courts in Hawaii since 1992. I have 14 years experience in the type of civil litigation involved in the above-entitled matter.

7. Mr. Kashiwa is a partner at Goodsill. Mr. Kashiwa graduated from Willamette University Law School and has been licensed to practice law before both state and federal courts in Hawaii since 1979. Mr. Kashiwa's practice

presently focuses on real estate, business and corporate law, however, he does have over 25 years of experience handling various aspects of civil litigation as well.

8. Mr. Morita is an associate at Goodsill. Mr. Morita graduated from William S. Richardson School of Law and has been licensed to practice law before both state and federal courts in Hawaii since 1999. Mr. Morita's practice areas include civil litigation, real estate and business law.

9. Larry Lynch is a legal assistant at Goodsill and has 17 years experience in civil litigation.

10. The hourly rates for this case are as follows: myself at \$210.00; Mr. Kashiwa at \$280.00 and \$285.00 (as of December, 2003); Mr. Morita at \$155.00 and \$160.00 (as of January, 2004); Mr. Lynch at \$120.00. These are the customary rates usually charged by Goodsill for this type of civil litigation. Based on my experience, these hourly rates are within the range of hourly rates charged by law firms in Hawaii for the type of intellectual property litigation involved in this case. See Exhibit "A" attached to the Affidavit of Wesley H.H. Ching, List of Hourly Rates.

11. HTC incurred attorneys' fees for Goodsill's services in the amount of \$19,487.89 in defense of the litigation. The amount of attorneys' fees

and non-taxable costs incurred by HTC for FMHC's services is set forth in the Affidavit of Wesley H.H. Ching.

12. Mr. Kashiwa and myself both reviewed the work and fees invoiced for this litigation and, when appropriate made the necessary adjustments and "no charged" certain entries before sending out the invoices for payment. Goodsill's fees, as set forth in the preceding paragraph represent fees actually invoiced for HTC's defense in this litigation after we reviewed, made final adjustments and approved the time and charges.

13. Attached hereto as Exhibit "D" is a true and correct copy of a summary (broken down by personnel, time, and description of services) of the services rendered by the attorneys and legal assistant at Goodsill on behalf of HTC. The case-related contributions of each attorney and legal assistant are set forth in the attached Exhibit "D." When necessary, the appropriate redactions have been made to protect confidential proprietary information, and/or attorney client and/or attorney work-product privileges.

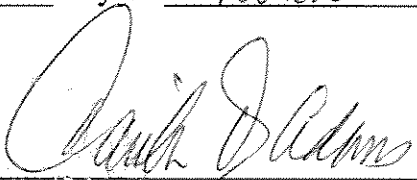
14. Goodsill's fees as set forth above and supported by the referenced exhibit are reasonable and were necessarily incurred by HTC in its

defense of this lawsuit.

FURTHER, AFFIANT SAYETH NAUGHT.

  
EDMUND K. SAFFERY

Subscribed and sworn to before me this  
30<sup>th</sup> day of March, 2006.

  
Notary Public, State of Hawaii

L.S. My commission expires: 4-9-06